Unofficial Copy M3 2004 Regular Session 4lr0175

D CILL E LANGUE CO LA CONTRA C

# By: Chairman, Environmental Matters Committee (By Request - Departmental - Environment)

Introduced and read first time: February 2, 2004

Assigned to: Environmental Matters

\_\_\_\_\_

### A BILL ENTITLED

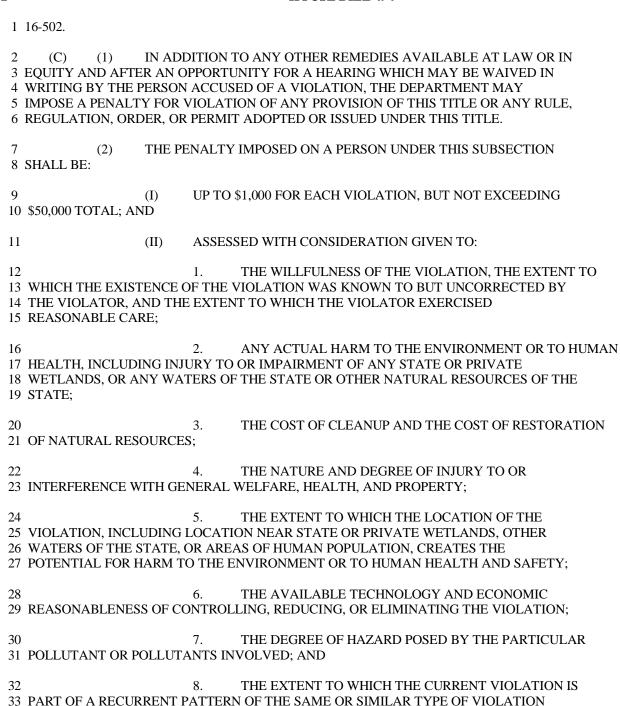
1	A TAT		•
1	AN	ACL	concerning
_			

## 2 Tidal Wetlands Violations - Criminal and Administrative Penalties

- 3 FOR the purpose of authorizing the Department of the Environment to impose
- 4 certain penalties for violations of tidal wetlands provisions under certain
- 5 circumstances; establishing certain criteria for consideration in the assessment
- of the penalties; and generally relating to the Department of the Environment's
- 7 authority over violations of tidal wetlands provisions.
- 8 BY repealing
- 9 Article Environment
- 10 Section 16-202(f)
- 11 Annotated Code of Maryland
- 12 (1996 Replacement Volume and 2003 Supplement)
- 13 BY adding to
- 14 Article Environment
- 15 Section 16-502(c)
- 16 Annotated Code of Maryland
- 17 (1996 Replacement Volume and 2003 Supplement)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 19 MARYLAND, That the Laws of Maryland read as follows:

## 20 Article - Environment

- 21 16-202.
- 22 [(f) Any person who violates any provision of this section is guilty of a
- 23 misdemeanor. Upon conviction, the person is subject to a fine not exceeding \$1,000
- 24 with costs imposed in the discretion of the court.]



EACH DAY A VIOLATION OCCURS OR CONTINUES IS A SEPARATE

34 COMMITTED BY THE VIOLATOR.

36 VIOLATION UNDER THIS SUBSECTION.

35

#### **HOUSE BILL 494**

- 1 (4) ANY PENALTY COLLECTED UNDER THIS SUBSECTION IS PAYABLE TO 2 THE STATE AND COLLECTIBLE IN ANY MANNER PROVIDED AT LAW FOR THE 3 COLLECTION OF DEBTS.
- 4 (5) IF ANY PERSON WHO IS LIABLE TO PAY A PENALTY IMPOSED UNDER 5 THIS SUBSECTION FAILS TO PAY IT AFTER DEMAND, THE AMOUNT TOGETHER WITH 6 INTEREST AND ANY COSTS THAT MAY ACCRUE, SHALL BE:
- 7 (I) A LIEN IN FAVOR OF THE STATE ON ANY PROPERTY, REAL OR 8 PERSONAL, OF THE PERSON; AND
- 9 (II) RECORDED IN THE OFFICE OF THE CLERK OF THE COURT FOR 10 THE COUNTY IN WHICH THE PROPERTY IS LOCATED.
- 11 (6) ANY PENALTY COLLECTED UNDER THIS SUBSECTION SHALL BE 12 PLACED IN THE WETLANDS COMPENSATION FUND ESTABLISHED UNDER § 16-205 OF 13 THIS TITLE.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 15 October 1, 2004.